

NEW YORK STATE SUPREME COURT
COUNTY OF NEW YORK

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DONALD LEWIS,

Plaintiff(s),

-against-

PIERCE BAINBRIDGE BECK PRICE & HECHT
LLP, JOHN MARK PIERCE and
DENVER G. EDWARDS

Defendant(s).
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COMPLAINT

Index No.

Plaintiff Donald Lewis, by and through his attorneys, The Law Offices of Neal Brickman, PC., alleges upon personal knowledge unless otherwise indicated, as follows:

INTRODUCTION

1. Plaintiff Donald Lewis ("Plaintiff" or "Lewis") is a former partner of Defendant Pierce Bainbridge Beck Price & Hecht LLP ("PB" or "Pierce Bainbridge").

2. As part of a concerted effort to cover-up illicit financial misconduct within PB, which Plaintiff discovered and raised objections to, Defendants initiated a scorched earth war against Plaintiff.

3. The financial misconduct, Defendants' unlawful, dishonest retaliation against Plaintiff for questioning the financial misconduct, and the poisonous, dysfunctional atmosphere within Pierce Bainbridge that allowed unlawful activity to flourish at the firm are described in detail in Plaintiff's Complaint in Lewis v. Pierce Bainbridge Beck Price & Hecht LLP, et al., Supreme Court, New York County (Index No. 652931/2019) (the "Lewis Complaint")¹. The Lewis Complaint is annexed hereto as Exhibit A and incorporated herein by reference.

4. In attempting to discredit the Plaintiff and, thereby, the allegations contained within the Lewis Complaint, John Mark Pierce ("Pierce") has employed an "any means necessary" approach, including:

¹ The Lewis Complaint was initially filed via NYSCEF at approximately 11:40 AM on May 15, 2019. Prior to the issuance of an index number and within two hours of that filing, acting in good-faith and in response to a request by counsel for Pierce Bainbridge, counsel for Lewis contacted the County Clerk of New York County Supreme Court and requested that the filing be withdrawn and deleted from the electronic filing system. Thereafter, following Pierce Bainbridge's filing of the LAC, on May 16, 2019, the Lewis Complaint was re-filed and was issued Index No. 652931/2019.

(i) creating and/or exploiting false allegations of sexual assault; (ii) creating trumped up findings of purported “credibility” which were never shared with Lewis, and never happened -- unless Michael Yim (“Yim”) and Putney Twombly Hall & Hirson LLP (“Putney Twombly”) are grossly incompetent, or corrupt; (iii) engaging in depraved and racist defamation including, *inter alia*, falsely labeling Plaintiff an “Extortionist,” falsely labeling Plaintiff a “Terrorist,” falsely labeling Plaintiff a “Credibly Accused Sexual Assaulter,” and falsely labeling Plaintiff a “Credibly Accused Sex Predator;” and (iv) publishing these defamatory statements to Pierce’s around 30,000 connections on LinkedIn, including many of Plaintiff’s classmates from Harvard Law School. It is beyond reprehensible and illustrates that Pierce lacks even a modicum of human decency.

5. This action concerns (a) Defendants’ deceitful efforts to induce Plaintiff to withdraw the initial filing of the Lewis Complaint and “beat Plaintiff to the Courthouse” in order to create a false and defamatory public narrative in an attempt to cushion the imminent blow of the detailed account of misconduct, illicit financial activity and dysfunction at Pierce Bainbridge. This action is premised upon the filing of a clearly sham action in Los Angeles Superior Court (the “LAC”) and the defamation perpetrated by John Pierce after that filing -- matters that are not addressed at all in the Lewis Complaint.²

6. Everything in this instant Defamation Complaint is accurate and is supported by details, dates, times, and primary source materials. The LAC filed by Pierce Bainbridge is the exact opposite. It contains no details or any primary source materials; virtually every single sentence is false; and there are several internal inconsistencies within the document.³ There are so many outright lies in the LAC that it is amazing that an individual, Denver Edwards (“Edwards”), just appointed to the Board of Trustees at an esteemed and respectable institution like Middlebury College would sign his name to the same. Edwards’ culpability is further heightened given his first-hand knowledge and first-hand involvement with many of the issues he was untruthful about.

² See Thomas v G2 FMV, LLC, 147 AD3d 700, (1st Dept 2017) (claim for defamation stands where defamatory statements were contained in ‘a sham action,’ and “defendants [were not] entitled to the protection of the absolute judicial privilege”)

³ For example, Lewis was allegedly an “immediately corrosive presence” (LAC ¶ 14), yet he was nominated by his peers, approximately ten days before he was illegally expelled, to be the “Assigning Partner” (LAC ¶ 16) in charge of all attorney and administrative personnel staffing (which he declined as it relates to administrative personnel). In addition, *less than two weeks* before he was banished, Lewis was nominated “Co-Chair of Diversity and Inclusion” for the firm. This obviously does not add up. Pierce Bainbridge is, like LaVigne said of Pierce, “losing track of his lies.” (See Exhibit B, LAC Chart, Items #29 – 33, and #25)

7. The LAC was the spawn of a duplicitous scheme which undercut on-going “amicable” and “good faith” negotiations.⁴ The Pierce Bainbridge firm deceived Lewis, deceived Lewis’ counsel Brickman, and appears to have deceived their own counsel, Jeanine Conley (“Conley”), a partner at the Littler firm. The LAC filing scheme was undertaken not only to get a media leg up, based on defamatory fiction, but also maliciously to inflict massive damage and massive harm to an upstanding attorney, Plaintiff Lewis. It was not a single poor faith event, but a calculated and orchestrated chain of deception, which included duping and exploiting the courts in New York and furthering the same by filing a defamatory sham of an action in Los Angeles as a PR stunt. It is part of a shameful six-month ongoing effort by Pierce Bainbridge to discredit and disparage Lewis and destroy Lewis’ life, simply to cover-up misconduct which would reveal that Pierce Bainbridge’s Managing Partner, Pierce, and Pierce Bainbridge’s General Counsel Carolynn K. Beck are unethical phonies and fraudsters who knowingly and purposefully engaged in malfeasance which PB’s own LAC judicially admits: “if true, would amount to criminal activity.” (LAC ¶ 4).

8. To be clear, the LAC was not filed to pursue legitimate legal claims; it was a preemptive strike, a crass media ploy, and a vehicle to demonize and damage Plaintiff. Indeed, the LAC was filed with the intent that the defamatory statements would be republished -- which is exactly what happened -- and is devoid of any specifics and of its limited factual allegations virtually all are categorically false, meritless, and offensive.

9. In addition to the Lewis Complaint, there are three demonstrative exhibits attached to this Defamation Complaint. First is a chart comparing the deceitful and defamatory statements in the LAC to contemporaneous primary source materials (“LAC Chart”) which is attached hereto as Exhibit “B”. Second is a chart comparing deceitful and defamatory statements Pierce has made in the press and on his LinkedIn to contemporaneous primary source materials (“Press Chart”) which is attached hereto as Exhibit “C”. Third is an addendum of primary source materials which undermines the fallacy of any “credibility” finding concerning false allegations of misconduct against Plaintiff (“Staged Investigation Addendum”) which is attached hereto as Exhibit “D”. These exhibits should be reviewed closely. They tell a crystal-clear story and obliterate the Pierce fantasy that the Lewis complaint consists of “concocted,” “manufactured,” and/or “fabricated” allegations.⁵ The exhibits also provide clarity on the

⁴ PB’s own counsel used these precise words to describe the negotiations the day before Pierce Bainbridge pulled its duplicitous stunt.

⁵ It is clear that professionals who have aligned with Pierce, Conley, a partner at the Littler firm, and Michael Yim of the Putney Twombly firm, have been duped by his never-ending deceit and dishonesty. Upon reviewing

dysfunctional and deceitful environment that is the Pierce Bainbridge law firm. As Lewis has said throughout, all of the allegations in the Lewis Complaint are true, and virtually all of them are supported by contemporaneous primary source documents.

10. There are four primary narratives peddled in the LAC and/or the public statements of Pierce Bainbridge after Lewis filed the Lewis Complaint. All of them are deceitful, false and defamatory.

- PB FALSEHOOD #1: Lewis demanded \$65 million not to file the Lewis Complaint.

In the very first conversation Lewis' Counsel had with Denver Edwards of Pierce Bainbridge in late March 2019, Edwards asked if \$65 million was needed to resolve the dispute. Mr. Lewis' counsel immediately responded: "Of course not" and said seven-figures could resolve the dispute. Communications for over 50 days were in that range. Lewis's counsel also made clear that any settlement would require the clearing of Lewis' name. (See Exhibit B, LAC Chart, Item #2)

- PB FALSEHOOD #2: Lewis filed and withdrew his complaint as part of an extortion scheme.

An e-mail from Lewis' Counsel to PB's Counsel, Conley, the morning after the LAC Filing Stunt adds clarity:

On May 16, 2019, at 7:09 AM, Neal Brickman <Neal@brickmanlaw.com> wrote:

1. When did you know that PB commenced an action against Mr. Lewis in Los Angeles?; and
2. Since you asked me to see if I could withdraw the complaint and actually thanked me, in an e-mail, for withdrawing it, how was that part of some "extortion scheme" as alleged in the complaint?

I sincerely hope that you were not part of this, but the evidence suggests that either you were or you were used. For instance, you asked me, as a courtesy, for a copy of the complaint that we filed. I extended you that courtesy and it ends up as an exhibit to the meritless complaint filed in Los Angeles. . .

To be clear, Lewis withdrew his complaint at the request of PB's own counsel, Conley; and then Conley "thanked" Brickman for withdrawing the Lewis Complaint. In addition, in a letter the day before, Conley described the negotiations as "amicable" and "good faith". Then, just four hours after the Lewis Complaint was withdrawn, a complaint that had been the subject of negotiations for over 50 days, PB with no discussion, never having mentioned the same, publicly filed the sham complaint in Los Angeles and alleged in the third paragraph:

"[Lewis] filed a version of the [Lewis] Complaint. . . [a]fter it had been public for approximately an hour, [Lewis] then deleted the filing as a tactic, furthering his scheme to extort [Pierce Bainbridge] with its filing."
(LAC ¶ 3) (But see Exhibit B, LAC Chart, Item #3)

these exhibits, they will have a more accurate lay of the land and a better understanding of what they, and their firms, Littler and Putney Twombly, have been party to. Each of the exhibits is incorporated herein by reference.

This is a breathtaking level of dishonesty and deceit. This false narrative -- of Lewis somehow being an extortionist -- was picked up by the media and spewed by Pierce any chance he could get including in the press and on LinkedIn. Pierce's complete lack of integrity was on full display. Edwards executed and filed the LAC and is the latest unwitting dupe to ride shotgun supporting Pierce's perpetual shameful misconduct.

- PB FALSEHOOD #3: Lewis is an "extortionist" and a "terrorist".

The closing of a letter received from PB's own counsel, Conley, on May 14th, the day before the Sham LAC was filed -- which references "amicable" and "good faith" negotiations -- undermines this false and defamatory narrative. (See Exhibit B, LAC Chart, Item #3 and Exhibit C, Press Chart, generally) The "terrorist" accusation is the racist brainchild of Pierce who posted the same on LinkedIn.

I would ask that given our good faith conversations to date, that you let us know as soon as possible whether you are going to continue with such conversations so we can resolve this amicably or are going to pursue claims in open court, which will be just--if not more--harmful to your client given that we will be left with no choice but to vigorously defend the matter.

Respectfully submitted,

/s/ S. Jeanine Conley

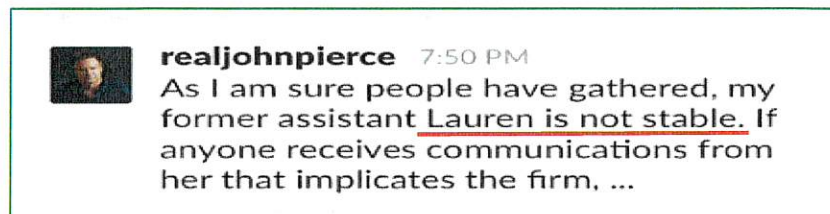
- PB FALSEHOOD #4: The Lewis Complaint's allegations are "manufactured," "concocted," and "defamatory."

Pierce has whined that the Lewis Complaint contains allegations that Lewis "knows nothing about." Pierce is flat wrong, and Pierce knows he is flat wrong. He is lying and deflecting. As the exhibits and primary source materials included with this complaint make clear, Lewis not only "knows what he is talking about," he knows *exactly* what he is talking about and that petrifies the Pierce Bainbridge firm, because the truth is not their friend.⁶ Illustratively, the LAC contains paragraph after paragraph with zero specifics, and then finally, in the thirty-first paragraph attempts to identify seven "untrue" allegations from the 400+ paragraph Lewis Complaint and alleges they are "outrageous claims." (LAC ¶ 31). PB came up with its seven best, but, tellingly, all are true and demonstrably so. There is one particularly telling example, which speaks volumes about the relative credibility of the parties. See below.

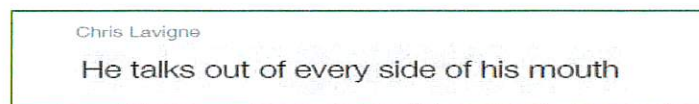
⁶ Pierce stated in the press: "Mr. Lewis's actions constitute outright extortion," he said. "After only 4 brief months at the firm, the plaintiff seems to think he can fabricate stories about things he knows nothing about. And then demand that we reward him for his shameful behavior." (Emphasis added.) See, Megan Tribe, *Pierce Bainbridge Fighting Ex-Partner Over Allegations*, Bloomberg Law, Big Law Business, May 16, 2009."

According to the LAC ¶ 31(d): “Among the many irrelevant and untrue allegations, the [Lewis] Complaint currently makes the following outrageous claims: *‘One of the partner’s employees is mentally unstable’*”

Lewis Response: This is bewildering. Pierce apparently lies so much he cannot keep track of what he says himself; indeed, on August 13, 2018, 7:50 p.m., Pierce posted for the entire firm to see:



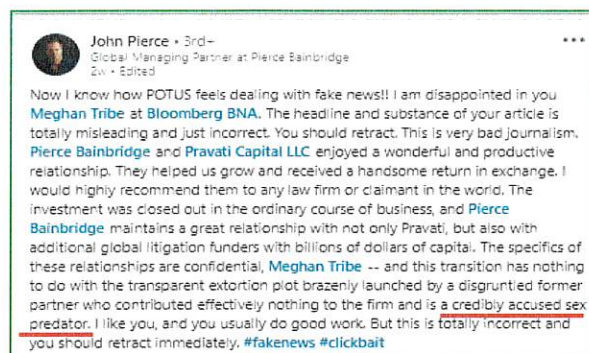
11. Pierce didn’t just make the statement, he opined that everyone would have already gathered the same.⁷ The bewilderment wanes, however, when viewed in light of an accurate observation that partner Christopher LaVigne shared about Pierce on or around 4:50 p.m. on August 20:



12. In another message (See Exhibit B, LAC Chart, Item #17) Pierce Bainbridge’s bookkeeper opined, on October 3rd at 8:02 p.m., that Pierce had “Lost. His. Mind.” As people began to digest the Lewis Complaint and the media tide began to turn, Pierce’s well-known fragile ego apparently could not handle it. Pierce began attacking a young reporter and essentially harassing her on LinkedIn, and then, as the bookkeeper aptly characterized the same, Pierce “Lost. His. Mind.” and posted on LinkedIn that Plaintiff is a “credibly accused sex predator.”⁸ See below.

⁷ The “Lauren” referenced is Pierce’s 24/7 personal assistant, Lauren Schaefer-Green (“Schaefer-Green” or “LSG”).

⁸ The defamatory nature of this LinkedIn post, as well as Pierce’s other defamatory activities on LinkedIn and in the media is covered in Exhibit C, the Press Chart.



13. Plaintiff has never been accused of anything like the false allegations in his forty-five years, nor anything remotely approaching the same. As a large man and life-long New Yorker, he regularly intervenes on the subways and at Penn Station when he sees men harassing women; he has put himself at risk countless times to assist women with the general harassment that is an unfortunate part of everyday New York City life; and there are hundreds of people who know him who would attest to the same. As is clear from the attached “Staged Investigation” addendum, the incident at issue here never happened and was created or exploited by Piece to cover-up for his misdeeds -- read the addendum closely and decide for yourselves. Pierce then used the same to defame Plaintiff in a truly appalling and disgusting manner. Pierce has not a shred of human decency.

14. To be clear, Pierce has around 30,000 connections on LinkedIn, many of whom are Harvard Law School classmates of his and Lewis -- they were in the same small section first year -- and Pierce penned a post, publicly available for over two weeks, stating that Lewis is a “credibly accused sex predator.” In New York, a “sexual predator” is an offender who has been convicted of a sexually violent offense as defined in section 168-a of the Correction Law and who suffers from a mental abnormality or personality disorder that makes him or her likely to engage in predatory sexually violent offenses.”

15. This elevated “sex predator” defamation is criminally reprehensible, and it is shameful that Plaintiff’s former partners -- Amman Khan, Andrew Lorin, Caroline Polisi, Chris LaVigne, Conor McDonough, Craig Bolton, Doug Curran, Eric Creizman, Jonathan Sorkowitz, Melissa Madrigal, Patrick Bradford, Mike Pomerantz -- countenance this conduct. Plaintiff’s former partner, **Michael Pomerantz**, and former colleague, associate **John Raymond Dillon** “liked” the post. As the saying goes: “Everyone has a price.” Everyone also has a legacy. Unfortunately, not everyone is a decent human being.

16. The LAC is a microcosm of the cesspool that is the Pierce Bainbridge firm. It was signed by Edwards, who has lied, multiple times, in a court filed document, about issues where he had

contradictory first-hand knowledge. This is not simple bad faith and deceit; it is extreme and grotesque. Edwards was recently appointed to the Board of Trustees at Middlebury College. Middlebury College has a "Mission Statement" which speaks of "*integrity*, which is a key guard against false information and the abuse of power. . . [and] encompass[ing] a broader ethical practice of inquiry pursued with rigor and honesty." (Italics in original). Presumably these values are meant to apply to off-campus activities as well; one would imagine that Middlebury would not be pleased by Edwards' recent actions.

17. The deception deployed by Pierce and Edwards in torpedoing negotiations and filing the LAC is not isolated, but rather a central tenet of the manner in which Pierce Bainbridge conducts business: (i) Pierce Bainbridge chronically, grossly, and intentionally exaggerates the value of cases, (ii) Pierce Bainbridge chronically, grossly, and intentionally exaggerates the abilities of its attorneys, and (iii) Pierce Bainbridge chronically, grossly, and intentionally exaggerates the nature of its relationship with litigation financiers.

18. The Pierce Bainbridge firm is not just perched precariously on a financial house of cards, its very existence is fueled almost exclusively by Pierce's never-ending stream of fabrication. As a law school classmate advised Lewis in June of last year: "Why would you work for that guy, he lies like he breathes." Lewis very much regrets not having heeded this wisdom.

19. Ultimately, the same dishonesty Pierce has used to grow the firm, the same dishonesty he employed last week to get to the courthouse first, the same dishonesty he relied on in filing an LAC with falsehoods in virtually every paragraph, and the same dishonesty he has relied on to defame Lewis in an appalling manner, is the same dishonesty Pierce relied on to trump up, perpetuate and maliciously publish false allegations of sexual misconduct against Lewis. Pierce knew that if Lewis was not demonized and marginalized, his fraudulent gig would come to an end. Pierce acted swiftly; he acted maliciously; and he premised it all on what he and the Pierce Bainbridge firm premises virtually everything – deception, dishonesty, and deceit.

THE PARTIES

20. Plaintiff is an individual residing in the State of New York. Plaintiff is an attorney licensed and authorized to practice in the State of New York, and was a partner working in PB's New York City office until November of 2018.

21. Defendant Pierce is an attorney licensed and authorized to practice in the State of California. Pierce was once an attorney in good standing in the State of New York but is now "resigned" from the practice of law in this state. Pierce is the founder of PB and was, at all relevant times, the Managing Partner of PB. Pierce has been referred to by PB partner Andrew Lorin as a "dictator" who runs the firm like his personal fiefdom notwithstanding the lip service he pays to the concepts of "loyalty" and "teamwork." Pierce does what is best for Pierce.

22. Defendant Edwards is an attorney licensed and authorized to practice in the States of California and New York. At all relevant times, Edwards was a Partner at PB. Edwards was recently appointed to the Board of Trustees at Middlebury College. Edwards executed and filed the LAC which is replete with demonstrable falsehoods of which Edwards had first-hand contradictory knowledge. The conduct of Edwards runs contrary to the values championed in the Middlebury Mission Statement, as well as the disciplinary rules applied to attorneys.⁹

23. Defendant PB is a limited liability partnership organized under the laws of the State of California. PB is a registered foreign limited liability partnership under the laws of the State of New York and maintains offices in the City, County and State of New York. Notwithstanding its formation under California law, PB's practice is centered in New York City. Beginning in around May of 2018, there was widely publicized "explosive growth" in the firm's New York office; which was timed perfectly with Piece valuing a case at \$1,000,000,000.00, which prior counsel for after sixteen months

⁹ Giovanazzi v. State Bar (1980) 28 Cal.3d 465, 169 Cal.Rptr. 581, 619 P.2d 1005. (a lawyer will be suspended for submitting a false pleading even though there is *no evidence* of malice, intentional deception, or motivation for personal gain) (emphasis added). Notably, Honorable Alvin K. Hellerstein of the United States District Court for the Southern District of New York on April 11, 2019, found that Pierce Bainbridge, by way of the actions of the Managing Partner of the New York Office David Hecht, had violated Rule 8.4 and "acted inconsistently with professional ethics." Practicing law deceitfully and unethically appears to be the norm, rather than the exception, at Pierce Bainbridge.

was willing to settle for \$400,000. There are approximately ten times more partners in the New York Office than in the California office.

JURISDICTION AND VENUE

24. Jurisdiction and Venue are proper in this Court because Plaintiff resides in New York County; Plaintiff suffered damages in New York County from Defendants' wrongdoing; Defendant PB maintains offices and transacts business in New York County; the claims asserted herein all arose in New York County; and the Plaintiff seeks damages in excess of this Court's jurisdictional minimum.

EVENTS LEADING UP TO THE LEWIS COMPLAINT

25. In June of 2018, Plaintiff was recruited by PB to be an equity partner and founder of PB's New York City office. His written agreement with PB, *inter alia*, guaranteed him compensation of at least \$420,000 through June of 2019. (Lewis Cmplt ¶ 83).

26. As detailed in the Lewis Complaint, until October of 2018, Plaintiff received glowing praise for his contributions to the firm. (Lewis Cmplt ¶¶ 84 – 86).

27. As detailed in the Lewis Complaint, Plaintiff's status in the firm changed immediately when Plaintiff discovered evidence of financial misconduct by PB (and Pierce in particular) and told Pierce to cut it out.¹⁰ (Lewis Cmplt ¶ 7-10).

28. Defendants responded to Plaintiff's concerns by immediately orchestrating false allegations of sexual improprieties against him and eventually railroading him out of the firm based on a jury-rigged "investigation" of the alleged sexual improprieties. The investigation was a demonstrable sham, and the

¹⁰ For example, the Lewis Complaint sets forth certain illicit financial activity which Plaintiff learned from the bookkeeper. Interestingly, Pierce Bainbridge's own LAC states that the Lewis Complaint: "include[es] allegations of unethical and dishonest business practices, some of which, if true, would amount to criminal activity." (LAC ¶ 5) The reports from the Pierce Bainbridge bookkeeper include the following: (1) Pierce diverted hundreds of thousands of dollars from the firm bank accounts, certain of which occurred during periods when the firm almost missed payroll and/or Pierce decreed a moratorium on payments to creditors. In one instance, Pierce, on October 1st, reportedly withdrew \$25,000. This withdrawal reportedly disabled Beck from honoring a \$20,000 payment obligation she had made to the firm's travel agent; (2) Pierce mishandled funds related to the firm's client trust account. The firm's bookkeeper reported that Pierce had deposited \$150,000 in the operating account, which was earmarked for the firm's client trust account pursuant to the relevant engagement letter; (3) Pierce apparently withdrew \$50,000 directly from the firm's client trust account in another instance, reportedly in or around July; and (4) Pierce provided substantial financial assistance to a client in a high-profile contingency case, which the Management Defendants conveyed during interviews had a potential value of one billion dollars (\$1,000,000,000.00), but which prior counsel, according to Pierce himself, was willing to settle for \$400,000.

first Plaintiff heard of any “final report” or finding of “credibility” was in the LAC. In fact, on November 7, the lead “investigator”, Yim from the Putney Twombly firm, promised Plaintiff in writing he would be apprised of and provided a copy of any investigation conclusions. Plaintiff never heard from Yim or Putney Twombly again. (See Exhibit D, “Staged Investigation” Addendum, Item #7).

29. As detailed in the “Staged Investigation” exhibit, the fabricated accusations do not pass the smell test on many levels: timing of the accusation, motives of the alleged victim, story vs. configuration of the office, timing of the alleged act, prior and subsequent interactions between Lewis and the alleged victim, online activity of the alleged victim (immediately taken down when Lewis referenced it). A friend of General Counsel Beck, Yim of Putney Twombly, was hired to conduct the investigation, and, instead of aiming to get to the bottom of all the blatant holes, he changed versions of the alleged victim’s story in an attempt to “make it fit.” Exculpatory evidence was ignored and buried. The LAC alleges that “on November 30, 2018, Outside Counsel concluded their investigation” and found the “allegations as ‘credible.’” This was the first time Lewis heard of any such finding, even though Yim had promised on November 7 that Lewis would be apprised of any conclusions. Considering all the issues exposed in the allegations standing alone, as well as in the investigation standing alone, any notion of a “credible” finding simply reinforces the point that the investigation was the result of collusion, deceit and malice – which is why both Beck and Yim and their respective firms are defendants to strong claims for legal malpractice -- and is being used as a weapon in a defamatory smear campaign.

30. As set forth in the Lewis Complaint, Defendants’ unlawful dishonest retaliatory actions against Plaintiff caused, and continue to cause, severe damages.

31. On March 26, 2019, Plaintiff’s counsel, Neal Brickman, sent PB a draft of the Lewis Complaint so that Defendants could understand the factual and legal bases of the legal claims that would be brought against them if the dispute could not be settled amicably.

32. Between March 26, 2019 and May 15, 2019, Plaintiff engaged in settlement discussions with PB, first directly with Edwards and later, through counsel, with PB’s outside counsel, Conley, a partner at the Littler firm.

33. The settlement discussions were civilized and professional.

34. In fact, in late April, both sides expressed an openness to resolve the dispute privately through mediation rather than through a highly public lawsuit.

35. On May 8, 2019, Plaintiff made clear, in writing, that he would agree to mediation only if PB was committed to approach the mediation in good faith by agreeing to complete the mediation promptly and was willing to demonstrate a good faith possibility for success by making an serious initial offer so as to bracket any negotiations.

36. Plaintiff set a deadline of May 13th for PB to demonstrate its good faith and actual intent to participate in a productive and good faith mediation.

37. At PB's request, Plaintiff twice extended the deadline to demonstrate their good faith intentions but made clear that he would file the Lewis Complaint if PB continued to stonewall past the morning of May 15. One of the two extensions was because Conley claimed to have misread the date on a one-page letter. Conley not only misread that letter, but had a Gala to attend and, further, took the position that the prior forty days of delay, obfuscation and dishonesty from PB were irrelevant because she was not involved. While awaiting PB's demonstration of good faith, the parties selected a mediator and a mediation date of May 24, 2019.

38. PB was terrified about the public disclosure of its financial misdeeds and the toxic, dysfunctional atmosphere within the firm that would result if Plaintiff filed the then draft Lewis Complaint. Edwards said the same multiple times during negotiations.

39. In a series of written communications between attorneys Brickman and Conley on May 14 and 15, Conley urged Brickman to refrain from filing the Lewis Complaint in exchange for her representation that PB "could get to Lewis' number if you provide more time."

40. Consistent with Defendants' professed preference for mediation over litigation, Conley wrote on May 14: "I would ask that given our good faith conversations to date, that you let us know as soon as possible whether you are going to continue with such conversations so we can resolve this amicably or are going to pursue claims in open court, which will be just — if not more — harmful to your client given that we will be left with no choice but to vigorously defend the matter." It is particularly rich that PB's counsel is stating public disclosure will be "more harmful" to Lewis, and PB has now advanced the fallacious position that the brown-skinned Lewis was somehow acting the "terrorist".

41. The primary source exchanges from May 15 tell a starkly different tale than the one told in the LAC of Plaintiff somehow "extorting" Pierce Bainbridge of comporting like a "terrorist" as Pierce has published on LinkedIn.

11:32 a.m. Lewis Counsel: "Having heard nothing further from you, I will be filing the complaint in five minutes."

11:34 a.m. PB Counsel: "I can only offer that my client believes that a seven-figure number can be reached but cannot agree to an opening offer of seven figures."

12:16 p.m. PB Counsel: "Not sure if you filed yet, but if you can get your client to hold off, the parties are in conversation and could get to Lewis' number if you provide more time."

2:11 p.m. Lewis Counsel: "I was able to get the complaint withdrawn and removed from the case docket. If your clients make the commitment that we discussed before the close of business today, we will mediate on the 24th. If we do not get the commitment by the close of business today, we will re-file first thing tomorrow morning." (This was not an easy task and took multiple people and multiple phone calls to accomplish.)

2:12 p.m. PB Counsel: "Thanks Neal."

42. As clearly illustrated, although Plaintiff had already filed the Lewis Complaint, Plaintiff, acting in good faith and in reliance on Conley's representations, withdrew the complaint. Conley thanked Plaintiff's counsel for doing so, in writing.

43. PB's representations about getting "to Lewis' number" and preference for continued "good faith discussions," used to induce Plaintiff to discontinue the Lewis Complaint, were entirely fraudulent.

44. Within four hours of attorney Conley thanking attorney Brickman for discontinuing the Lewis Complaint, PB filed the 21-page sham LAC against Plaintiff in Los Angeles, asserting purported claims of extortion, defamation, and various kinds of tortious interference with PB's business. In paragraph 3, the LAC incredibly states: "[Lewis] then deleted the filing as a tactic, furthering his scheme to extort Plaintiff with its filing." In parallel with the LAC, Defendants launched a campaign of vilification of Plaintiff in the media and on the internet. Defendant Pierce's LinkedIn page, with has 30,000 connections, characterizes Plaintiff as a "terrorist," an "extortionist," a "credibly accused sexual assaulter," and a "credibly accused sex predator."

45. Given the very short delay between the communications between counsel on May 15 and the filing of the LAC, it is apparent that Defendants were never acting in good faith in asking Plaintiff to refrain from proceeding with the Lewis Complaint but were, rather, buying time so they could file the sham LAC and beginning a defamatory media assault on Plaintiff.

46. Plaintiff refiled the Lewis Complaint the next morning, as Plaintiff's counsel told PB's counsel he would do when the Complaint was withdrawn.

47. PB hoped that it could blunt the damage from what it knew would be a refiled Lewis Complaint by striking first with a series of scurrilous defamatory allegations against Plaintiff in the media, on the internet, and in the LAC.

48. The LAC is replete with allegations that are false and defamatory *per se*, most of which are proven false by PB's own written admissions, undeniable actions and/or information of which they are well aware but deceitfully ignored. The LAC Chart, Exhibit B hereto, was undertaken for the sake of efficiency because virtually every single paragraph in the sham LAC contains maliciously deceitful falsehoods specifically meant to harm Lewis. For a large majority of these issues, Lewis's former partners -- Amman Khan, Andrew Lorin, Caroline Polisi, Chris LaVigne, Conor McDonough, Craig Bolton, Doug Curran, Eric Creizman, Jonathan Sorkowitz, Melissa Madrigal, Patrick Bradford, Mike Pomerantz -- were, and are, one-hundred percent aware of the falsity of the statements, yet they have done, and continue to do, nothing to limit the damage caused by the LAC and the other malicious actions of the Defendants herein.

49. The LAC allegation that Plaintiff "immediately" became a "corrosive presence" is disproven by glowing, written praise from PB insiders throughout his tenure (see Lewis Complaint ¶ 84) -- as well as the LAC acknowledgement that in October of 2018 - nearly half a year after he joined the firm -- PB appointed Plaintiff to be the Assigning Partner. In addition, *less than two weeks* before he was banished, Lewis was nominated "Co-Chair of Diversity and Inclusion" for the firm. PB does not and cannot explain why it would have given Plaintiff such significant responsibility if he had "immediately" revealed himself to be a "corrosive" presence so many months before. (See Exhibit B, LAC Chart, Items #30-33).

50. The LAC alleges the Plaintiff disclosed both of his false accuser's names which allegedly put her at risk because Plaintiff did so via a so-called "mass e-mail" and then goes on to share details of a purportedly troubling past for the false accuser. (LAC ¶ 25). This is false, defamatory and reprehensible for a number of reasons.

51. *First*, the information about an "unlicensed arranged marriage" and "severe domestic abuse" was not previously known to Lewis, and the fact that Pierce disclosed this in a public filing to try to get a PR advantage is yet another example of his lack of basic human decency. *Second*, PB makes a big deal about confidentiality for the false accuser when it was Pierce himself who blew confidentiality on day one and identified her to all of the partners of PB; again, this was a self-serving move by Pierce to smear Lewis. (See Exhibit D, Staged Investigation, Item # 3). *Third*, what PB tries to pejoratively categorize as a "mass e-mail" was simply an e-mail to Lewis's partners. (See Exhibit D, LAC Chart, Item # 37). *Fourth*, PB goes through all these lies, distortions, and deceits in just this one paragraph for the big payoff --- PB claims that the false accuser does not disclose both names publicly.

52. Either PB was told a lie, or PB is lying. The allegation that the false accuser does not disclose both names publicly is simply not true. Primary source evidence would be available, but it was deleted, notwithstanding PB's preservation obligations, just days after Lewis informed his former partners that on-line activity undermined his false accuser's credibility.

53. The false accuser had at least two public profiles, with her picture included and both names clearly published. The two profiles at issue were (i) on Twitter and (ii) on Couchsurfing.com, and both contained her photo. The Twitter account was in the false accuser's original name and in one post identified a sensitive firm matter and included her PB e-mail address. The false accuser also had a profile on the Couchsurfing.com site in her original name, which contained a paragraph about her new name which she said she was changing due to a "terrible family situation," without further elaboration. Accordingly, the notion the false accuser does not publicly disclose both names is false; it is manufactured fiction in the same manner that her allegations of misconduct against Lewis are manufactured lies.

54. Notably, less than 24 hours before the false allegations were made, both partner LaVigne and associate Adam Ludemann called the false accuser a "liar." They used that precise word, and LaVigne said associate John Raymond Dillon -- who "liked" both the "credibly accused sex predator" and "credibly accused sexual assaulter" posts -- was in LaVigne's and the false accuser's presence, when LaVigne confronted her. Indeed, at around 1:00 a.m., on October 4, the day the false allegations were reportedly made, LaVigne noted about the false accuser:

Chris LaVigne	She just <u>lied</u> on that email to John	1:10 AM
Chris LaVigne	Straight up	1:10 AM
Chris LaVigne	I called her out on it to her face after she sent it	1:10 AM
Chris LaVigne	She backed down and then created the folders	1:10 AM
Chris LaVigne	Wasn't hard	1:10 AM

55. Contrary to the notion of any legitimate finding of credibility, on November 7, Lewis was promised by the lead investigator, Yim, that he would be provided a copy of any final investigation report. The same day Yim sent that message was the last day Lewis ever heard from Yim or Putney Twombly about any investigation. In addition, not once during the 50+ days of negotiations, while threats of "#metoo" and "career killer" were hurled Lewis' way, did anyone on the PB side of the ledger

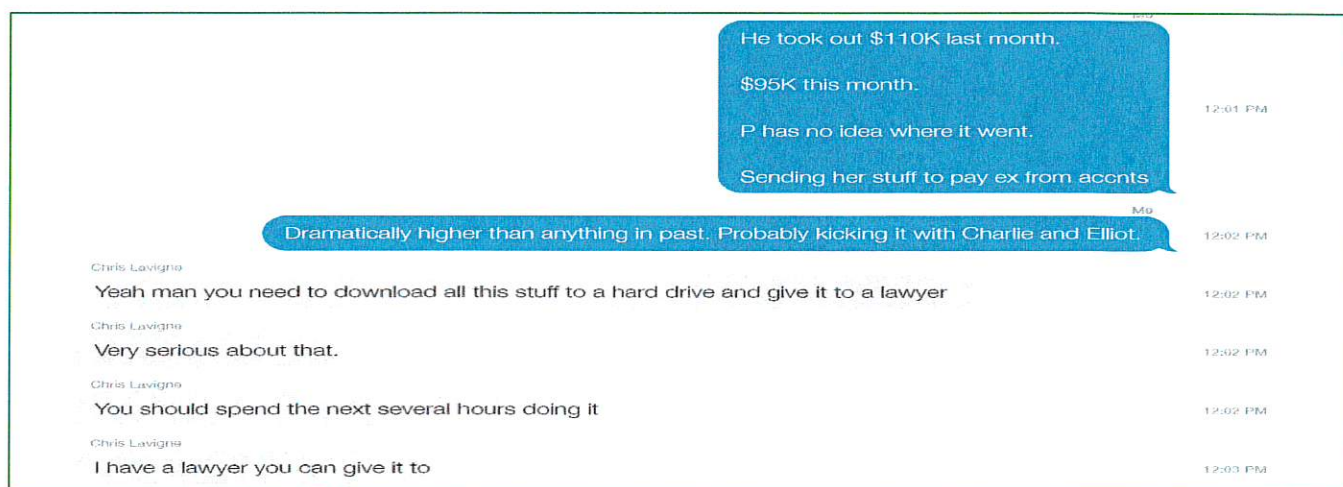
say anything about any finding of "credibility". Not one single time.

56. Not only did the purported "credibility" finding pop up out of nowhere, as did the allegations about an "unlicensed arranged marriage", but even more allegations that Lewis had never heard or seen before popped up, like talk of an "engorged penis". (LAC ¶ 18) Pierce added heinous, previously undisclosed purported details like this, and the "severe domestic abuse" (LAC ¶ 25) in a bald-face, shameless and wholly malicious effort to make Lewis look like a terrible person. Pierce then went even farther and called him a "credibly accused sex predator on LinkedIn."

57. It seems that either Yim and Putney Twombly were used as pawns in Pierce's game, or, if not, they also have Pierce-like bottom of the barrel level of "integrity."

58. The allegation that Plaintiff "never complained or expressed concern about" financial improprieties while he was at PB is disproven by written communications between Plaintiff and others, including the firm's bookkeeper, in the fall of 2018. It is nonsense. (See Exhibit B, LAC Chart, Items #9-13).

59. Illustratively, Plaintiff had an exchange with partner LaVigne approximately ten days before he was banished that contradicts PB's false narrative. Plaintiff had received a report from the bookkeeper about Pierce's self-dealing and misappropriation of firm funds, including using firm funds to fulfill Pierce's alimony obligations. He shared the same with LaVigne, a seasoned white-collar attorney. LaVigne, Lewis, the bookkeeper and others had many conversations about concerns with firm finances; this tends to happen when almost missing payroll is a monthly event. This particular exchange with LaVigne is telling.

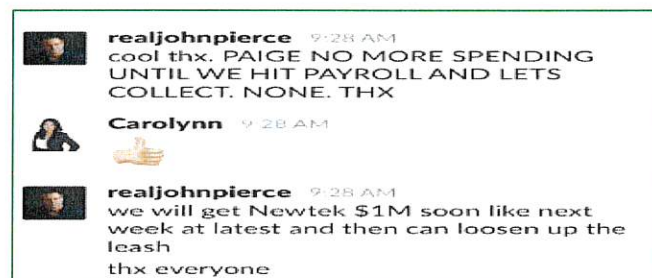


60. The implication is clear. This not just a “concern.” It is more than just “serious” concern. It is a “grave” concern, and such concerns were pervasive at the firm. Interestingly, the LAC itself takes the conclusive position that certain allegations in the Lewis Complaint, “if true, would amount to criminal activity.” That is the Pierce Bainbridge judicially admitted position in a document executed and filed by partner Edwards.

61. Lewis also contemporaneously discussed concerns with the bookkeeper and LaVigne after Pierce made the post below on LinkedIn on or around October 3, 2018. At that time, Pierce had (i) placed a moratorium on creditor payments (9/28 screen shot below) and (ii) withdrawn \$25,000 from firm accounts rendering Beck unable to fulfill a \$20,000 payment commitment to the firm’s travel agent (10/2); (iii) the bookkeeper’s compensation was not up to date, (iv) creditors were harassing the bookkeeper and Lewis on a daily basis; and (v) there was a palpable concern payroll would be missed; yet Pierce was still flying first class with LSG and complaining about the service (see LinkedIn post below). Pierce also accused Delta of “an extortion plot to get a humane amount of leg room.” Seems like Pierce likes recklessly tossing around “extortion” charges with zero foundation in fact.



September 28, Pierce Moratorium



62. Pierce railing on Newtek is illustrative of his duplicitous nature that permits him to create malicious falsehoods while denying reality. According to Pierce himself, he was rejected for the \$1 million loan backed by his pseudo-celebrity client's \$6 million home because of a \$175,000 tax lien on his home. But in Pierce's world, it's not his fault, it's Newtek's.

63. Perhaps Defendants' most bizarre falsehood, and the one that is most telling about the Pierce Bainbridge firm's penchant for dishonesty, is the accusation that withdrawal of the Lewis Complaint on May 15 was somehow a "tactic" in his scheme to "extort" Defendants. (See Exhibit B, LAC Chart, Item #3.) As explained above and proven by the written communication between the parties' respective attorneys, the Lewis Complaint was withdrawn at PB's counsel's request, for which she thanked Plaintiff's counsel in writing. A view of the actual e-mails is illuminating, see below:

Brickman (Lewis) to Conley (PB) – 2:11 PM

From: Neal Brickman <Neal@brickmanlaw.com>
Sent: Wednesday, May 15, 2019 2:11 PM
To: Conley, S. Jeanine <JConley@littler.com>
Subject: FW: NYSCEF Alert: New York - Commercial - Contract - <DOCUMENT REMOVED> (Donald Lewis v. Pierce Bainbridge Beck Price & Hecht, L.L.P. et al)

I was able to get the complaint withdrawn and removed from the case docket. See below. If your clients make the commitment that we discussed before the close of business today, we will mediate on the 24th. If we do not get the commitment by the close of business today, we will re-file first thing tomorrow morning.

Conley (PB) to Brickman (Lewis) – 2:12 PM.

From: Conley, S. Jeanine <JConley@littler.com>
Sent: Wednesday, May 15, 2019 2:12 PM
To: Neal Brickman <Neal@brickmanlaw.com>
Subject: Re: NYSCEF Alert: New York - Commercial - Contract - <DOCUMENT REMOVED> (Donald Lewis v. Pierce Bainbridge Beck Price & Hecht, L.L.P. et al)

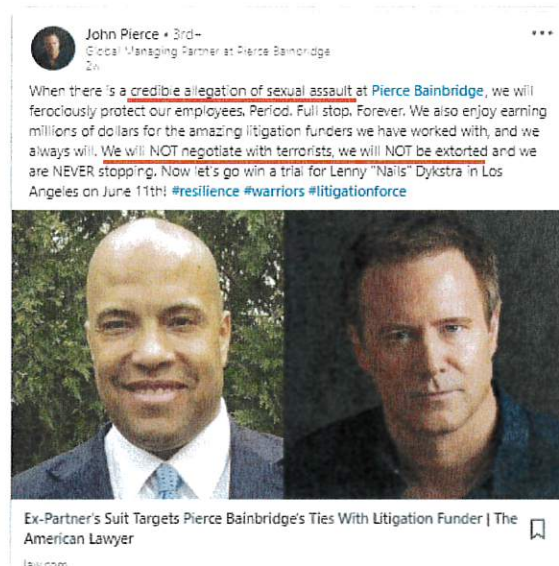
Thanks Neal.

64. To reiterate, this above e-mail exchange happened, and, four hours later, the Pierce Bainbridge firm, filed the LAC, replete with lies and more lies, which states in the third paragraph:

“[Lewis] filed a version of the Defamatory Complaint as an action on the online docket . . . [a]fter it had been public for approximately an hour, [Lewis] then deleted the filing as a tactic, **furthering his scheme to extort** [Pierce Bainbridge] with its filing.” (LAC ¶ 3) (Emphasis added)

65. Pierce then compounded the bad act of filing a sham complaint, by using his and Edwards' deception as a catalyst to refer to Lewis as an “extortionist” in several statements to the press, and taking to his LinkedIn account, and his 30,000 connections, including many of Lewis' former law school classmates, to defame his former partner in disgusting and racist fashion: calling him a “terrorist,” and

trotting out the false and defamatory “credible allegation of sexual assault” which is addressed below, and of course, the “credibly accused sex predator”.



66. The troubling nature of the false “credibility” finding is set forth summarily in paragraph 29 and in detail in the “Staged Investigation” exhibit attached hereto.

67. As for the allegation that the Lewis Complaint improperly discloses various business confidences and other sensitive personal facts,¹¹ Defendants were in possession of the draft of the Lewis Complaint for over 50 days prior to its filing yet made no record whatsoever of any concern about improper disclosure.

68. Indeed, PB attached the Lewis Complaint, in its entirety, as an exhibit to the LAC, without seeking help from the Court, such as a redaction or a sealing order, which would have been warranted if PB had any actual *bona fide* concern that any sensitive information therein actually needed protection from public disclosure.

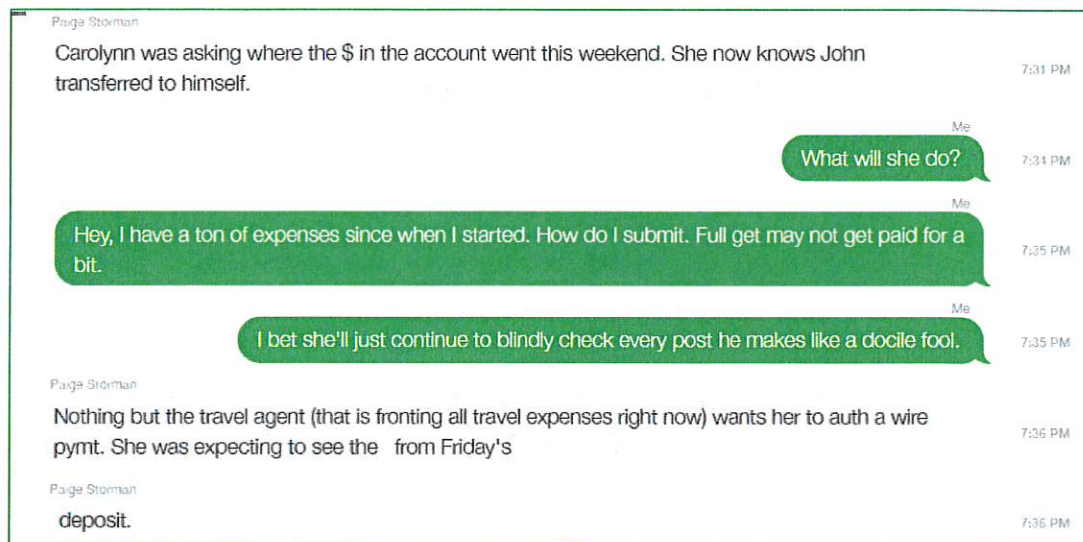
69. The allegation that Plaintiff “never complained or expressed concern about” firm “operations”¹² at PB is disproven by written communications between Plaintiff and others. It is absurd. (See Exhibit B, LAC Chart, Items # 19-25).

70. For example, on or around October 2, 2018, when the bookkeeper reported self-dealing by Pierce, Lewis was concerned that Management Defendant Beck, a named-partner and General Counsel for the firm, who, upon information and belief, was the only partner who accessed firm accounts other

¹¹ See e.g. LAC ¶¶ 5, 7, 29, 30, 33, 34, 35, 39, 52, 73, 81, 89

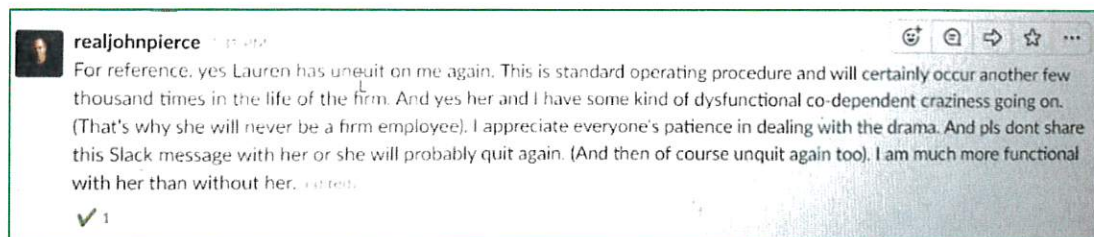
¹² See LAC ¶ 15.

than Pierce, would do nothing about the Pierce malfeasance -- a concern that the bookkeeper shared. This is an operational concern, an ethical concern, a financial concern, as well as a fitness to practice law concern.



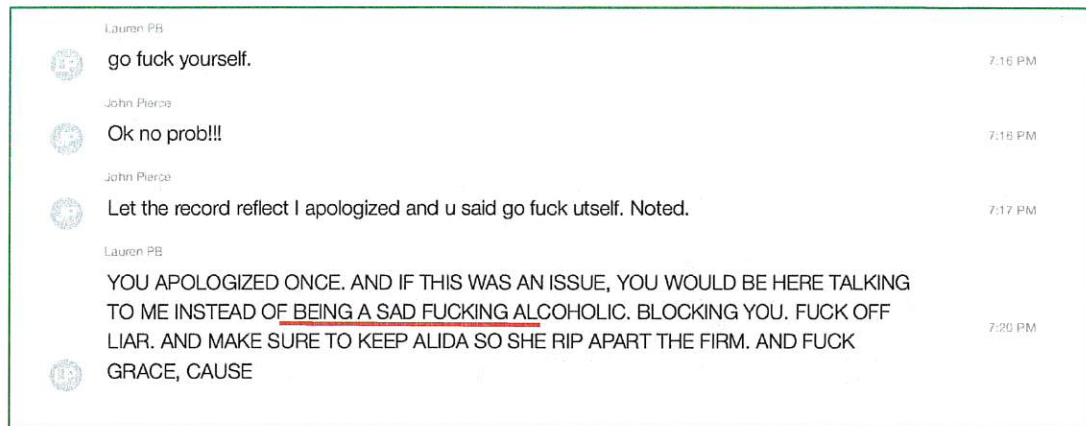
71. As for Plaintiff's supposedly false allegation regarding a PB partner's substance abuse problem,¹³ Defendant Pierce's alcohol abuse, and the corrosive effect that these issues have had on Pierce's professional conduct and his relationship with others at the firm, are all documented by multiple contemporaneous communications; they are also well known throughout the firm, and according to reports at his prior firms Quinn Emanuel, Latham & Watkins, and K&L Gates, where according to Pierce and LSG Pierce punched another partner during a retreat; his tenure at the firm lasted four months.

72. LSG is Pierce's 24/7 assistant. They have shared a bed, and LSG has been by his side for five years. LSG is Pierce's closest confidante. The two of them had a number of quarrels while the firm was covering a three-week federal trial in Boston which they were not shy about parading in front of others. For example, on August 14th, at 7:31 p.m., Pierce posted firm-wide:

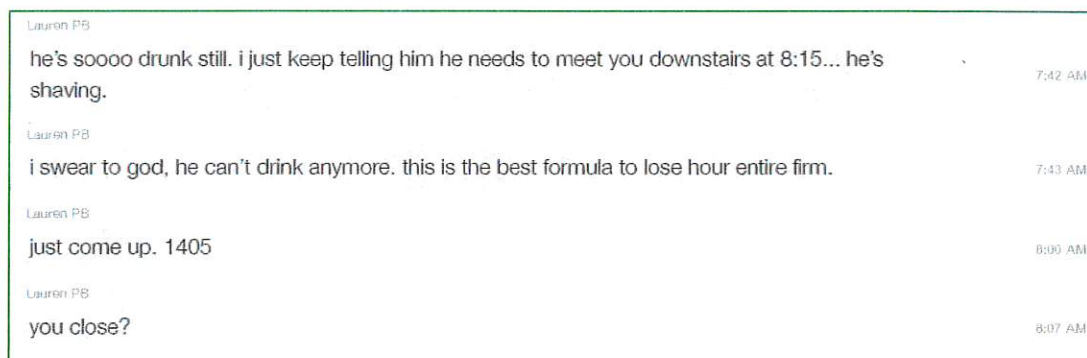


¹³ See LAC ¶ 31(b).

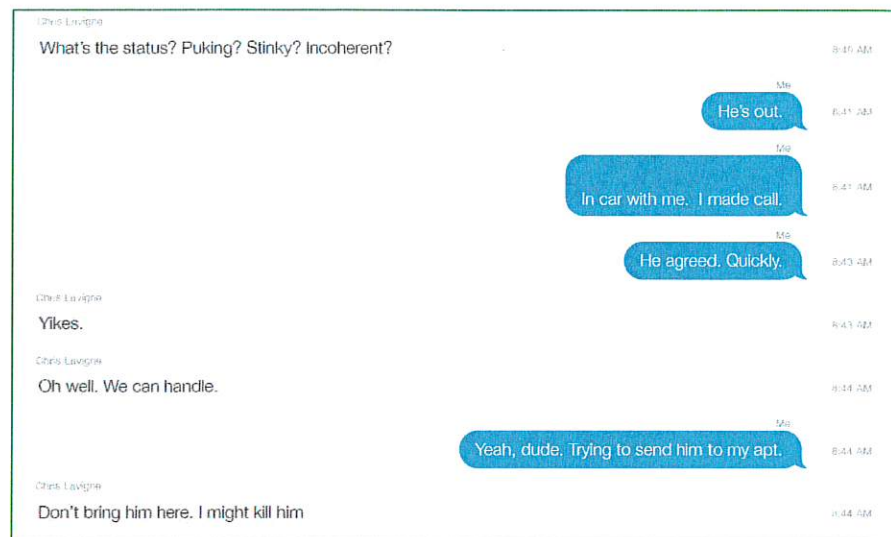
73. One such exchange, which Lewis was oddly a party to, was on August 9 and comports with many comments made by LSG and others at the firm as it relates to Pierce and alcohol:



74. In another instance, LaVigne had set up a golden opportunity for funding through his personal and professional contacts. The meeting was scheduled for 9:00 a.m. on a Tuesday morning. Pierce was staying at the Mondrian Hotel and had asked Lewis to pick him up on his way to the meeting. At around 7:40 a.m., LSG had updates, they were not particularly promising:



75. Lewis had been communicating with LaVigne and had hoped LSG was exaggerating and Pierce would be ready to go. The firm badly needed an influx of funds, and LaVigne had expedited this meeting through his connections. Lewis was in an Uber with Pierce when LaVigne asked for an update, and Lewis broke the bad news. LaVigne was justifiably not pleased. See below.



76. Pierce missing the funding meeting was a big concern. He also missed a lunch Lewis had set up that day with a potential client that manages billions of dollars; former partner Vanessa Biondo attended in his stead. Following the lunch, Lewis sent Pierce a message including his concerns about the peoples' "lives and livelihoods" that were being jeopardized by Pierce's actions, which was similar to a message Lewis had sent to Pierce the night before after coordinating the content with LaVigne. Ultimately, Pierce responded by noting that he would take his medication and that there would be no further issues. Both Pierce and LSG openly talked about his medication, and Pierce ingested the same openly, in one instance with a potential business partner during a meeting at the Mondrian hotel.

77. As for Plaintiff's supposedly false allegation about a PB partner's financial problems,¹⁴ Defendant Pierce's financial distress is reflected in aggregate tax liens of around \$1.5 million accumulated in less than two years, \$21,000/month in alimony payments (See Exhibit B, LAC Chart, Items # 14-18), and "brutal" credit as characterized by former UBS financial advisor Tom Cometa. (Lewis Complaint ¶¶ 12, 96, 148). The tax lien information is available through a simple public records search – John Mark Pierce, Chatsworth, California.

78. The LAC also grossly mischaracterizes a conversation that Lewis had with partner LaVigne after a hockey game on April 24, 2019.¹⁵ The LAC claims that Lewis "threatened" LaVigne and "followed [LaVigne] down a street for approximately 45 minutes insisting the Partner speak to him." (LAC ¶¶ 38, 39) In actuality, Lewis and LaVigne strolled from Chelsea Piers to Westside Tavern and spoke for around 40 minutes. When they were done, they went into the bar and hung out for around two

¹⁴ See LAC ¶ 31(l).

¹⁵ See LAC ¶¶ 38-45.

hours with a teammate and the head bartender. Lewis has spoken to both individuals who will attest to the same and were shocked by the truly absurd allegations.

79. Pierce Bainbridge has purported to rely on this conversation in making its malicious and defamatory allegations of “extortion.” There are a few facts the have been omitted:

- a) Lavigne asked: “What will it take to make this go away, \$2 million?” Lewis guessed: “\$3.5 million.” Notably, if PB’s position is that this was extortion, then this sounds like entrapment.
- b) LaVigne was talking in the context of not being named a defendant, a conversation which he had several times with Lewis before.
- c) LaVigne and Lewis had routinely discussed grave concerns about the firm. In fact, LaVigne referred Lewis to a prominent white-collar attorney when Lewis was first put on leave; the discussion was not just about defense, but also the benefits of discussing with an experienced, highly respected, attorney potential criminality vis a vis the misconduct at Pierce Bainbridge.¹⁶

80. The LAC also falsely claims that the April 24, 2019 hockey game was the first game Lewis had played with LaVigne since Lewis’ illegal expulsion in November of 2018.¹⁷ To the contrary, Lewis and LaVigne played together around 15 times during that period and at least seven of their teammates have already confirmed in writing that the LAC’s allegation to the contrary is yet another falsehood. Again, because the disreputable Pierce Bainbridge firm has been dishonest every step of the way, Lewis provides primary source support. On February 13, 2018, which falls between November 12, 2018 (illegal expulsion of Lewis) and April 24, 2019 (the PB fabricated first game Lewis played since he was expelled), Lewis and LaVigne won the Division 3 Championship at Chelsea Piers. They both played in that game and were in the center of the Championship team photo. (See Exhibit B, LAC Chart, Item #46 for the photo).

81. The LAC also falsely states that the Lewis Complaint alleges that: “one of the Firm’s partners has an undisclosed criminal history.”¹⁸ The Lewis Complaint makes no such allegation. It does, however, reference the Federal Trade Commission’s public complaint against Co-Managing Partner James D. Bainbridge for his role as the “ringleader” in an \$80 million scheme against the consuming

¹⁶ . In addition, as noted earlier, around ten days before Lewis was booted, upon learning that the bookkeeper had reported Pierce had withdrawn \$200,000 in two months, and had instructed the bookkeeper to use firm funds to pay his ex-wife, LaVigne, who is a seasoned white collar attorney, provided “very serious” advice to Lewis with clearly suggests a concern that criminal activity was afoot; LaVigne reiterated the same precise concern and directive about “downloading” materials around a week later and shortly before Plaintiff was banished. (See Exhibit B, Items #11, 45, 46)

¹⁷ See LAC ¶¶ 39.

¹⁸ See LAC ¶¶ 31(c).

public. Bainbridge's wingman for this was Daniel A. Fingarette, who, according to Pierce and LSG, is involved with the finances of the firm. Be that as it may, Plaintiff notes, upon information and belief, that at least two of the named partners of Pierce Bainbridge have criminal records, but Plaintiff has not disclosed the same as the related charges are not germane to the Lewis Complaint or this Defamation Complaint.

82. In perhaps the most comical claim in the LAC, PB alleges that the Lewis Complaint defames Pierce Bainbridge by alleging that "certain of the Firm's partners engaged in unethical conduct."¹⁹ This is part and parcel with the aforementioned lack of accountability and self-awareness. The Pierce Bainbridge firm has proven to a cesspool of lies and deceit, and their own named-partner, and Managing Partner of the New York Office David Hecht, was just admonished by a federal court in New York for violating ethical rule 8.4 governing attorney misconduct. Yet, Pierce Bainbridge, with Edwards signing, submits this patently and knowingly fallacious legal garbage to the court.²⁰ It is enlightening.²¹

83. Pierce has also attempted to defame Plaintiff by relying on announcements made by Pierce and Pravati Capital LLC ("Pravati"), subsequent to the filing of the Lewis Complaint. Pierce told Pravati in a May 6th, 2018 memo that a specific case was worth \$1,000,000,000.00 – this was shared with Lewis before he joined the firm as Pierce sought to have Lewis broker a meeting with Bill Gates. The prior counsel was willing to settle that case for \$400,000, as Pierce himself revealed in an e-mail filed in Philadelphia federal court in December 2018. Pierce presented other case values, results that he came nowhere close to achieving. Pravati may have been paid down, but there is no way the obligation was fully paid down as a result of case results, as Pierce has misleadingly suggested in the press while making the unabashed lie that "we enjoy making millions of dollars for the litigation funders we work with." (See LinkedIn post in para 10 above). This is spectacularly untrue.

¹⁹ See LAC ¶¶ 31(f).

²⁰ Pierce has also claimed Lewis somehow mischaracterized the \$80 million consumer scheme involving Pierce's Co-Managing Partner James D. Bainbridge. Other than his inherent dishonesty, the source of Pierce's displeasure is unclear, Lewis simply summarized items from the Federal Trade Commission. Perhaps Pierce Bainbridge prefers a contemporaneous news report's take on the FTC's statements: "*A Henderson-based telemarketing group [led by Bainbridge and Fingarette] charged with cheating consumers out of hundreds of dollars each in exchange for useless awards has agreed to repay consumers \$11.3 million, the Federal Trade Commission said.*" (Emphasis added.) See, Henderson Firm Must Pay Consumers, <https://lasvegassun.com/news/1996/mar/19/henderson-firm-must-pay-consumers/>, Las Vegas Sun, March 19, 1996.

²¹ In addition, Exhibit A to the Lewis Complaint is a "Plethora of Egregious Misconduct by Carolynn K. Beck." The level and consistency of malfeasance, by an individual being held out to be the firm's General Counsel, is astounding.

84. The explanation for the Pravati pay down may or may not be found in recent UCC liens filed in the firm and in Pierce's name. The first UCC lien is dated in February. The next one is dated in mid-March. According to public records, the liens appear to be collateralized by the receivables and bank accounts of the Pierce Bainbridge firm which takes on heightened interest given Pierce failed to make agreed partners distributions in December and January – and the outstanding Pravati amount was several magnitudes greater. It appears that taking on debt is Pierce's solution.

85. At the end of the day, credibility is king. As Lewis has said all along, every allegation in the Lewis Complaint is true and virtually all of them are supported by contemporaneous documentary evidence. To the contrary, virtually every single line in the LAC is false. Plaintiff implores the reader to closely examine the exhibits to this Complaint, as they paint a crystal-clear picture of the relative credibility of the parties. Lewis presents facts backed up by primary source materials. Pierce goes to LinkedIn, harasses reporters, calls people “credibly accused sex predators,” tells tall tales of making imaginary litigation funders fictitious millions of dollars. The exhibits to this Complaint demonstrate the real truth. Pierce is a desperate shell of his former self drowning in booze and debt, and, when he feared Lewis would expose him as the fraud and phony that he is, Pierce went for the kill. Pierce concocted, fabricated and made up a “credible” charge against Lewis and went on to call him a “credibly accused sex predator” to a massive audience including Lewis' Harvard Law school classmates. That's who Piece is, a depraved, desperate, pathological liar with not a shred of human decency.

86. Plaintiff has saved a quote Pierce provided to *Above the Law* until the end. This was done deliberately, so the reader can form their own opinions and dissect for yourself. This is John Pierce, and this is the Pierce Bainbridge law firm.

“Lewis's lawyer sent a draft of his complaint to the firm in March. The document was filled with pages and pages of manufactured allegations that have nothing to do with his supposed underlying claims and were included only for the purpose of threatening to embarrass the firm. The complaint demanded \$65 million in damages, and Lewis demanded several million dollars in exchange for not filing it. That's extortion. We participated in early stage talks with his attorney in an effort to settle for nuisance value, which would avoid the distraction that Lewis is now trying to cause. But when it became clear that he was not engaging in good faith — and in fact had already filed the complaint publicly — we moved forward with filing our own complaint.” - John Pierce²²

²² See Elie Mystal, Well, This Lawsuit Between Two Harvard Law Grads Is Proceeding in The Most HLS Way Possible, *Above the Law*, May 20, 2019

87. Amman Khan, Andrew Lorin, Caroline Polisi, Chris LaVigne, Conor McDonough, Craig Bolton, Doug Curran, Eric Creizman, Jonathan Sorkowitz, Melissa Madrigal, Patrick Bradford, Mike Pomerantz, continue to sit idly by. LaVigne says the are “afraid of Pierce.” LaVigne says Pierce has “walled them off” from the Lewis Complaint negotiations. LaVigne says “they have no idea about their individual liability.” Lewis says they will regret putting their head in the sand when the judgment proof Pierce potentially craters the firm and leaves them all holding the joint and several liability bag.

88. Most notably, with respect to his former partners, Lewis says each them apparently has his or her. Pierce, the “narcissistic sociopath at the helm” – as characterized by a former PB partner -- publishes to the world that their former partner, and in many cases, former friend, is a “credibly accused sex predator,” and it’s all good with them. **Pomerantz** even “liked” the post. Nothing to see here. When is the next pay period? Be that as it may, “afraid of Pierce” does not fly, these are professional adults making almost half a million dollars a year, not children; the old mighty dollar appears the more credible excuse. The Pierce Bainbridge firm and the individual Defendants herein have done whatever they can to destroy Lewis’ life, obliterate his reputation, and devastate his career, but Lewis is still standing, and Lewis is still strong. The appalling defamation launched at Lewis by the Pierce Bainbridge firm, and his greedy and soulless former friends and partners, will not go unchecked.

FIRST CAUSE OF ACTION
DEFAMATION

89. Plaintiff repeats and re-alleges each and every allegation contained in the paragraphs above with the same force and effect as if fully set forth herein.

90. In making the statements as referenced throughout this Complaint, Defendants purported to be making statements of fact.

91. Each of these statements by Defendants was false and constituted defamation *per se*. Defendant intended to cause members of the public, including members of Plaintiff’s profession and his actual and potential clients, to believe that Plaintiff was incompetent, immoral, dishonest, abusive, dangerous and unfit to perform his profession.

92. The false and defamatory statements about Plaintiff tend to expose Plaintiff to public contempt, ridicule, aversion or disgrace, or induce an evil opinion of him in the minds of right-thinking persons and deprive him of friendly association in society. In the communities in which he works and performs, Plaintiff has been injured in his reputation and good-standing and has been held up to ridicule and contempt.

93. The statements Defendant has made about Plaintiff were calculated to injure Plaintiff in his profession, trade or business by imputing to him traits that, if true, would render him unfit to publicly perform his profession, and they in fact caused such injury.

SECOND CAUSE OF ACTION

Judiciary Law Section 487

94. Plaintiff repeats and realleges the allegations of paragraphs contained in the paragraphs above with the same force and effect as if fully set forth herein.

95. By (i) fraudulently inducing Plaintiff to discontinue the Lewis Complaint on the false pretense that it would lead to continued non-judicial settlement efforts; (ii) "racing to the courthouse" to file the LAC purely as a public relations ploy; (iii) misrepresenting to the Superior of Court of California that the Lewis Complaint was pending at the time of the filing of the LAC when, in fact, it had been withdrawn at PB's request in PB's supposed desire to continue non-judicial settlement efforts, Defendants acted with deceit within the meaning of Judiciary Law 487, so as to cause Plaintiff damages. The LAC is a sham lawsuit that consists of knowing falsehoods and demonstratable deceitful allegations.

96. The collective actions taken by Defendants as detailed herein constitute collusion.

97. The collective statements within the LAC as made by Defendants and their counsel as detailed herein constitute a deceit upon the Court.

98. By acting with deceit and with collusion as described above, Defendants violated Judiciary Law 487.

99. Based on the foregoing, Defendants are jointly and severally liable to Plaintiff for treble damages in an amount to be determined by the Court.

THIRD CAUSE OF ACTION

Intentional Infliction of Emotional Distress

100. Defendants' conduct in orchestrating phony allegations of sexual misconduct by Plaintiff, followed by a rigged investigation, for the purpose of retaliating against Plaintiff and forcing him out of PB, was extreme and outrageous conduct. Defendants' conduct was so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, was atrocious, and is utterly intolerable in a civilized society.

101. Defendants intended to and did cause Plaintiff severe emotional distress.

JURY DEMAND

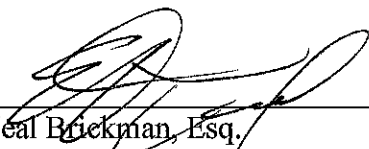
102. Plaintiff hereby demands a jury trial to resolve these claims.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff requests that this Court grant judgment in his favor and against the Defendants awarding him the following relief:

- (i) On the First Cause of Action, compensatory damages in an amount to be determined at trial but in no event less than \$10,000,000.00 ; punitive damages in an amount to be determined at trial and sufficient to deter Defendants from engaging in further unlawful and malicious activity, but in no event less than \$15,000,000.00; pre and post judgement interest at the statutory rate;
- (ii) On the Second Cause of Action, treble damages in an amount to be determined at trial; pre and post judgement interest at the statutory rate.
- (iii) On the Third Cause of Action, compensatory damages in an amount to be determined at trial, but in no event less than \$10,000,000.00; punitive damages in an amount to be determined at trial and sufficient to deter Defendants from engaging in further unlawful and malicious activity, but in no event less than \$15,000,000.00; pre and post judgement interest at the statutory rate;
- (iv) Plaintiff's cost, including his reasonable attorneys' fees; and
- (v) Any such other and further relief as this Court deems just and reasonable.

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